

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VLADIMIR LEON,

Plaintiff,

-against-

TOWN BOARD OF THE TOWN OF
RAMAPO; EAST RAMAPO SCHOOLS
DISTRICT BOARD OF EDUCATION,

Defendants.

22-CV-3965 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Vladimir Leon brings this action *pro se*. By order dated July 18, 2022, the Court directed Plaintiff to file an amended complaint within 60 days. (ECF 9.) That order stated that failure to comply would result in dismissal of the complaint for failure to state a claim on which relief may be granted. Plaintiff failed to file an amended complaint, and on October 17, 2022, the Court dismissed the complaint and entered judgment. (ECF 10, 11.)

On October 29, 2022, Plaintiff filed a “Motion for Relief from Dismissal Order,” in which he states that he did not receive a copy of the order to amend. (ECF 12.) Plaintiff alleges that he informed the Clerk’s Office that he moved to Pennsylvania, and that he did not receive a copy of the order at his new address. He states that “[p]roper communication in this case is deemed electronic mail as implied, but most conservatively, a mail trusted to the United States Postal Service is more appropriate given the fact of ‘moving’ and the unknown activities that have gotten on Plaintiff’s way while moving.” (ECF 12, at 2.) Plaintiff asks that the Court reopen this action and grant him additional time to file an amended complaint.

Because Plaintiff maintains that he did not receive the Court’s order to amend, the Court grants his request. The Clerk of Court is directed to vacate the Court’s order of dismissal and

judgment (ECF 10, 11), and to reopen this action. The Court grants Plaintiff 60 days from the date of this order to file an amended complaint as directed in the Court's July 18, 2022, order to amend. (ECF 9.)

The Court reminds Plaintiff that he consented to receive electronic service of documents in this action (ECF 5) and that, in consenting to electronic service, Plaintiff agreed that he "will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents. (ECF 5, at 1.) Moreover, electronic copies of the order to amend and the order of dismissal were electronically transmitted to Plaintiff at vleon35@yahoo.com, which is the email address he provided. If Plaintiff has a different email address, he must provide it to the Court. The Clerk of Court is directed to electronically transmit this order to Plaintiff, and also to mail a copy of this order and the Court's July 18, 2022, order to amend (ECF 9) to Plaintiff's address of record: 7200 Marsden Street, Philadelphia, PA 19135.

CONCLUSION

Plaintiff's request to reopen this action is granted.

The Court directs the Clerk of Court to vacate the Court's order of dismissal and judgment, and to reopen this action for further proceedings.

The Court grants Plaintiff 60 days to submit an amended complaint that complies with the Court's July 18, 2022, order to amend. Plaintiff must submit the amended complaint to this Court's Pro Se Intake Unit within 60 days of the date of this order, caption the document as an "Amended Complaint," and label the document with docket number 22-CV-3965 (LTS). An Amended Complaint form is attached to this order. No summons will issue at this time. If Plaintiff fails to comply within the time allowed, and he cannot show good cause to excuse such failure, the complaint will be dismissed for failure to state a claim upon which relief may be granted.

The Court further directs the Clerk of Court to electronically transmit a copy of this order to Plaintiff and to mail a copy of this order and the Court's July 18, 2022, order to Plaintiff at:

7200 Marsden Street, Philadelphia, PA 19135.

SO ORDERED.

Dated: October 31, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge